

<div style="display: flex; justify-content: space-between;"> <span style="font-size: 24pt; font-weight: bold;">000973</span> <div> <b>REQUEST FOR COUNCIL ACTION</b>  CITY OF SAN DIEGO </div> </div>		1. CERTIFICATE NUMBER (FOR AUDITOR'S USE ONLY) <div style="text-align: right;">111 04/15</div>	
TO: CITY COUNCIL		2. FROM (ORIGINATING DEPARTMENT): CITY ATTORNEY	
3. DATE: February 26, 2008		2800626	
4. SUBJECT: Authorizing retention, payment for invoices and future reserve funding for the Brown Law Group for legal services in <i>Jacqueline Lindsay v. Office of the City Attorney, City of San Diego; Karen Heumann, et al.</i> , San Diego Superior Court Case No. 37-2007-00081422-CU-WT-CTL.			
5. FOR INFORMATION, CONTACT (NAME & MAIL STA.) Walter Chung (619) 533-5804		7. CHECK HERE IF BOX 1472A "DOCKET" SUPPORTING INFORMATION" HAS BEEN COMPLETED ON PAGE 2: <span style="float: right;">X</span>	
8. COMPLETE FOR ACCOUNTING PURPOSES			
FUND		81140	
DEPT.		82240	
ORGANIZATION			
OBJECT ACCOUNT		4151	
JOB ORDER			
C.I.P. NUMBER			
AMOUNT	\$150,000.00 →		
9. ADDITIONAL INFORMATION / ESTIMATED COST:			
10. ROUTING AND APPROVALS			
ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIGINATING DEPARTMENT	<i>[Signature]</i>	3/3/08
2	FINANCIAL MANAGEMENT	<i>[Signature]</i>	3/10/08
3	AUDITOR	<i>[Signature]</i>	3/12/08
4	RISK MANAGEMENT	<i>[Signature]</i>	3-7-08
5	CFO	<i>[Signature]</i>	3-13-08
6	CITY ATTORNEY	<i>[Signature]</i>	3/3/08 ✓
		MGR. DOCKET COORD: <i>[Signature]</i> 3-20-08 COUNCIL REP.	
		RULES COMMITTEE <input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION <input type="checkbox"/> REFER TO: DATE: 4/15/08	
11. PREPARATION OF: <input checked="" type="checkbox"/> RESOLUTIONS <input type="checkbox"/> ORDINANCE(S) <input type="checkbox"/> AGREEMENT(S) <input type="checkbox"/> DEED(S)			
1. Authorizing retention, payment for invoices and future reserve funding for the Brown Law Group for legal services in <i>Jacqueline Lindsay v. Office of the City Attorney, City of San Diego; Karen Heumann, et al.</i> , San Diego Superior Court Case No. 37-2007-00081422-CU-WT-CTL.			
2. Authorizing the City Auditor and Comptroller to allocate and expend \$150,000 from the Public Liability Fund.			
3. The Council was informed in Closed Session on February 25, 2008 for the need to retain the Brown Law Group for this action. Councilmember Frye made a motion and was seconded by Council President Scott Peters. The motion passed 8-0.			
11A. STAFF RECOMMENDATIONS: Adopt the resolution and authorize the fund appropriation and transfer.			
12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)			
COUNCIL DISTRICT(S):		N.A.	
COMMUNITY AREA(S):		N.A.	
CITY CLERK INSTRUCTIONS:		CLERK REQUESTED TO PROVIDE DEPUTY CITY ATTORNEY WALTER CHUNG (15 <sup>TH</sup> FLOOR CCP, 533-5804) WITH A CERTIFIED COPY OF RESOLUTION	
ENVIRONMENTAL IMPACT:		This action is not a "project" subject to CEQA.	

## EXECUTIVE SUMMARY SHEET

DATE ISSUED: February 26, 2008

REPORT NO.:

ATTENTION: Council President and Councilmembers

ORIGINATING DEPARTMENT: City Attorney

SUBJECT: Authorizing retention, payment for invoices and future reserve funding for the Brown Law Group for legal services in *Jacqueline Lindsay v. Office of the City Attorney, City of San Diego; Karen Heumann, et al.*, San Diego Superior Court Case No. 37-2007-00081422-CU-WT-CTL.

COUNCIL DISTRICT(S): All

CONTACT/PHONE NUMBER: Walter Chung, Deputy City Attorney (619) 533-5804

REQUESTED ACTION: Approve the resolution and authorize payments requested. Approve the allocation and expend the \$150,000 from the Public Liability Fund.

STAFF RECOMMENDATION: Adopt the resolution and authorize the Auditor to appropriate and issue an Auditor's Certificate to fund this obligation.

EXECUTIVE SUMMARY:

Requested action relates to funding for the matter *Jacqueline Lindsay v. Office of the City Attorney, City of San Diego; Karen Heumann, et al.*, San Diego Superior Court Case, No. 37-2007-00081422-CU-WT-CTL. This complaint was filed in November 2007. Ms. Lindsay was a Deputy City Attorney for 17 years. Due to this inherent conflict of interest we are recommending the City to retain the Brown Law Group to defend Assistant City Attorney Karen Heumann and the City of San Diego.

FISCAL CONSIDERATIONS:


The Council is being asked to authorize and expend up to \$150,000 from the Public Liability Fund for the retention of the Brown Law Group.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The Council was informed in Closed Session on February 25, 2008 for the need to retain the Brown Law Group for this action. Councilmember Frye made a motion and was seconded by Council President Scott Peters. The motion passed 8-0.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/AKEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Brown Law Group

  
Walter Chung  
Deputy City Attorney

000977

**The City of San Diego  
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING

AC

2800626

DEPT.

NO.:

45

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: \_\_\_\_\_ Fund: \_\_\_\_\_

Purpose: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_ By: \_\_\_\_\_

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA											
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/	EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT											

FUND OVERRIDE ☐

**CERTIFICATION OF UNENCUMBERED BALANCE**

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \$150,000.00

Vendor: Brown Law Group

Purpose: Authorize continued retention, payment of invoices and future reserve funding for the Brown Law Group for legal services in Jacqueline Lindsay v. Office of the City Attorney, City of San Diego; Karen Heumann et al.. Authorize the City Auditor and Comptroller to allocate and expend \$150,000.00 from the Public Liability Fund (81140).

Date: March 12, 2008 By: *Pam Halpern* 3/12/08

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA											
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/	EQUIP	FACILITY	AMOUNT
001	0	81140	82240		4151						\$150,000.00
TOTAL AMOUNT											\$150,000.00

AC-381 (REV 2-92)

FUND OVERRIDE ☐

AC

2800626

RESOLUTION NUMBER R-\_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO ENTER INTO AN AGREEMENT WITH BROWN LAW GROUP IN AN AMOUNT UP TO \$150,000 TO PROVIDE LEGAL SERVICES IN CONNECTION WITH THE DEFENSE OF JACQUELINE LINDSAY V. OFFICE OF THE CITY ATTORNEY, CITY OF SAN DIEGO; KAREN HEUMANN, ET AL., AND AUTHORIZING THE AUDITOR AND COMPTROLLER TO EXPEND RELATED FUNDS

WHEREAS, In November 2007, Jacqueline Lindsay filed a complaint against the City and an Assistant City Attorney, San Diego Superior Court Case No. 37-2007-00081422-CU-WT-CTL, and due to the conflict of interest outside counsel is recommended; and

WHEREAS, the firm of Brown Law Group has the necessary skills and experience to assist the City in defense of this matter; and

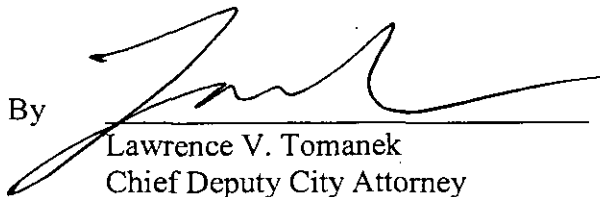
WHEREAS, the Council of the City of San Diego has been briefed on the status of this matter in a duly-noticed Closed Session meeting on February 25, 2008; and

WHEREAS, the Council determined to retain Brown Law Group to assist the City in defense of this matter; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the City Attorney is authorized to retain Brown Law Group for the provision of legal services in *Jacqueline Lindsay v. Office Of The City Attorney, City Of San Diego; Karen Heumann, et al.*, San Diego Superior Court Case No. 37-2007-00081422-CU-WT-CTL, in an amount not to exceed \$150,000.

BE IT FURTHER RESOLVED, that the Auditor and Comptroller is authorized to expend up to \$150,000 from the Public Liability Fund.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Lawrence V. Tomanek  
Chief Deputy City Attorney

LVT:jdf  
03/24/2008  
Or.Dept:ATTY  
R-2008-804

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of \_\_\_\_\_.

ELIZABETH S. MALAND  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor